

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR  
PATENTS

Washington, D.C. 20231

Attorney's Docket Number: 03063.0396-02

Prior Application:

Art Unit: 1732

Examiner: A. Kuhns

JC542 U.S. PTO  
09/287631  
04/07/99

JC408 U.S. PTO  
04/07/99

#2A/BM  
5-18-99

SIR: This is a request for filing a

☒ Continuation ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 08/996,701 filed December 23, 1997 of John M. Eby, Hao A. Chen, and Alonzo M. Burns, Jr. for SURFACE COVERINGS HAVING A NATURAL APPEARANCE AND METHODS TO MAKE A SURFACE COVERING HAVING A NATURAL APPEARANCE

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 08/996,701 as originally filed on December 23, 1997.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 1-8 and 11-20.
4. ☒ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended by the Preliminary Amendment filed herewith.

For	Number Filed	Number Extra	Rate	Basic Fee \$760.00
Total Claims	14 -20	00	x\$ 18.00	\$ -0-
Independent Claims	3 -3	00	x\$ 78.00	-0-
Multiple Dependent Claim(s) (if applicable)			+\$260.00	-0-
			Subtotal	\$ 760.00
			Reduction by 1/2 for filing by small entity	- -0-
			<b>TOTAL FILING FEE</b>	<b>\$ 760.00</b>

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, D. C. 20005  
202-408-4000

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6. ☒ A check in the amount of \$ 760.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☒ Amend the specification by inserting before the first line, the sentence:

--This is a ☒ continuation ☐ division of application Serial No. 08/996,701, filed December 23, 1997, <sup>Pat. No. 5,961,903</sup> and claims the benefit of U.S. provisional application no. 60/039,534, filed February 20, 1997, all of which are incorporated herein by reference.--

9. ☐ New formal drawings are enclosed.
10. ☒ The prior application is assigned of record to: Mannington Mills, Inc.
11. ☒ Priority of application Serial No. 60/039,534, filed on February 20, 1997 in the United States is claimed under 35 U.S.C. § 119(e).
12. ☐ A verified statement claiming small entity status
- ☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen,

Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanh Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Thomas H. Martin, Reg. No. 34,383; and Rachel H. Townsend, Reg. No. 41,443.

14. ☒ The power appears in the original declaration of the prior application.
15. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
17. ☐ Recognize as associate attorney \_\_\_\_\_  
(name, address & Reg. No.)
18. ☒ Also enclosed is an Information Disclosure Statement and PTO Form-1449

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 08/996,701, filed December 23, 1997, for the purpose of maintaining copendency

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between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: *Rachel H. Townsend*  
Rachel H. Townsend  
Reg. No.: 41,443

Date: April 7, 1999

662040-12328600

LAW OFFICES

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